

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FREDERICA L. MILLER HARRIS,

Plaintiff,

Case No. 12-14121

Honorable Thomas L. Ludington

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
AND AFFIRMING THE FINDINGS OF THE COMMISSIONER**

On September 17, 2012, Frederica Miller Harris (Miller Harris) filed a complaint against the Commissioner of Social Security (the Commissioner) seeking disability insurance benefits and supplemental security income benefits. Miller Harris's claims to obtain those benefits were previously disapproved by the Commissioner. After filing this case, Miller Harris filed a motion for summary judgment—to overturn the Commissioner's benefits decision—on January 10, 2013. The Commissioner filed her own motion for summary judgment on February 27, 2013, requesting that her decision to deny benefits be affirmed. Both motions were referred to United States Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b)(1).

On February 10, 2014, Judge Hluchaniuk issued a report recommending that “[Miller Harris's] motion for summary judgment be **DENIED**, that [the Commissioner's] motion for summary judgment be **GRANTED**, and that the findings of the Commissioner be **AFFIRMED**.” Report & Rec. 2 (emphasis in original), ECF No. 23. The docket reflects that the report was served on Miller Harris that same day. Although Judge Hluchaniuk's report

explicitly stated that the parties may object to and seek review of the recommendation within 14 days of service of the report, as of today's date, neither party has filed objections. The failure to object to Judge Hluchaniuk's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that the Judge Hluchaniuk's report and recommendation, ECF No. 23, is **ADOPTED**.

It is further **ORDERED** that the Commissioner's motion for summary judgment, ECF No. 22, is **GRANTED**.

It is further **ORDERED** that Miller Harris's motion for summary judgment, ECF No. 19, is **DENIED**.

It is further **ORDERED** that the Commissioner's decision to deny benefits is **AFFIRMED**. This is a final order and closes the case.

Dated: February 27, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail, and upon Frederica L. Miller Harris, 18849 Schoenherr, Detroit, MI 48205 by first class U.S. mail, on February 27, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS